

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**ANTHONY GERALD GABRY,**

Plaintiff,

v.

**MEGA FLOORS,**

Defendant.

Case No. 3:19-cv-1255-YY

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on December 11, 2019. ECF 14. Magistrate Judge You recommended that Plaintiff's Complaint be dismissed without prejudice because Plaintiff failed to comply with the order to show cause in writing by November 12, 2019 why his case should not be dismissed. ECF 13. Judge You found that Plaintiff failed to support his breach of contract claim with any specific facts regarding the contractual provisions at issue and how Defendant allegedly breached them. Judge You also found that Plaintiff established neither personal jurisdiction nor proper venue. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge You’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Magistrate Judge You’s Findings and Recommendation (ECF 14). This case is **DISMISSED** without prejudice because Plaintiff failed to comply with the Court’s order to show cause (ECF 13).

**IT IS SO ORDERED.**

DATED this 3rd day of January, 2020.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge